

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MYL LITIGATION RECOVERY I LLC,

Plaintiff,

v.

MYLAN N.V., MYLAN INC., HEATHER BRESCH,  
PAUL B. CAMPBELL, KENNETH S. PARKS, and  
JOHN D. SHEEHAN,

Defendants.

No. 1:19-CV-01799

**STIPULATION AND ORDER**

WHEREAS, the parties in this Action agree that re-briefing arguments considered by this Court in *In re Mylan N.V. Securities Litigation*, No. 1:16-CV-07926 (JPO) (the “Class Action”<sup>1</sup>) would serve neither the interest of judicial economy nor the interests of the parties;

WHEREAS, the parties in the Action have further agreed to resolve certain issues by stipulation rather than by motion;

WHEREAS, on May 30, 2017, defendants filed a motion to dismiss the Amended Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) in the Class Action;

WHEREAS, on March 28, 2018, this Court issued an opinion (the “March 2018 Opinion”) on the May 30, 2017 motion to dismiss in the Class Action;

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<sup>1</sup> On April 6, 2020, this Court in the Class Action issued an opinion and order certifying a class pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(3).

WHEREAS, in the March 2018 Opinion, this Court granted in part and denied in part the May 30, 2017 motion to dismiss the Class Action;

WHEREAS, on July 6, 2018, Lead Plaintiffs in the Class Action filed a Second Amended Class Action Complaint;

WHEREAS, on August 6, 2018, defendants filed a partial motion to dismiss the Second Amended Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) in the Class Action;

WHEREAS, Plaintiff filed this Action on February 26, 2019;

WHEREAS, on March 12, 2019, this Court accepted this Action as related to the Class Action;

WHEREAS, on March 29, 2019, this Court issued an opinion (the “March 2019 Opinion”) on the August 6, 2018 motion to dismiss in the Class Action;

WHEREAS, in the March 2019 Opinion, this Court granted in part and denied in part the August 6, 2018 motion to dismiss the Class Action;

WHEREAS, on June 5, 2019, defendants filed a partial motion to dismiss this Action pursuant to Federal Rule of Civil Procedure 12(b)(6);

WHEREAS, on March 30, 2020, this Court issued an opinion (the “March 2020 Opinion”) on the June 5, 2019 motion to dismiss this Action;

WHEREAS, in the March 2020 Opinion, this Court granted in part and denied in part the June 5, 2019 motion to dismiss this Action;

WHEREAS, on May 6, 2020, Plaintiff in this Action filed an amended Complaint against Defendants Mylan N.V., Mylan Inc., Heather Bresch, Paul B. Campbell, Kenneth S. Parks and John D. Sheehan;

WHEREAS, Defendants in this Action and Plaintiff's allegations in this Action overlap in substantial part with the defendants in the Class Action and allegations in the Class Action;

IT IS HEREBY STIPULATED AND AGREED, by and among the parties, through their undersigned counsel, that:

1. The Court's March 2018 and March 2019 Opinions will apply in this Action with equal force as if such Opinions had been issued in this Action, and the parties expressly reserve any and all appellate rights relating thereto.
2. Defendants will serve an Answer to Plaintiff's surviving claims on or before June 12, 2020.
3. The parties will meet and confer regarding a schedule for discovery in this Action, including reasonably coordinating such discovery with discovery in the Class Action to the extent practicable.
4. This stipulation may be signed in counterparts and by email via PDF.

Dated:  
May 18, 2020

CRAVATH, SWAINE & MOORE LLP,

by  
/s/ David R. Marriott  
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May 18, 2020

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*Attorneys for Plaintiff*

**SO ORDERED**

Dated: May 18, 2020

  
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J. PAUL OETKEN  
United States District Judge